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Security Council
Fifty-second Year

Provisional

3756th Meeting
Friday, 21 March 1997, 6 p.m.
New York

President:	Mr. Wlosowicz	(Poland)
Members:	Chile	Mr. Larraín
	China	Mr. Wang Xuexian
	Costa Rica	Mr. Berrocal Soto
	Egypt	Mr. Elaraby
	France	Mr. Ladsous
	Guinea-Bissau	Mr. Cabral
	Japan	Mr. Owada
	Kenya	Mr. Mahugu
	Portugal	Mr. Monteiro
	Republic of Korea	Mr. Park
	Russian Federation	Mr. Lavrov
	Sweden	Mr. Lidén
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Richardson

Agenda

The situation in the occupied Arab territories

Letter dated 19 March 1997 from the Permanent Representative of Qatar to the United Nations addressed to the President of the Security Council (S/1997/235)

97-85299 (E)

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The meeting was called to order at 6.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the occupied Arab territories

Letter dated 19 March 1997 from the Permanent Representative of Qatar to the United Nations addressed to the President of the Security Council (S/1997/235)

The President: I should like to inform the Council that I have received letters from the representatives of Israel and Qatar, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Peleg (Israel) took a seat at the Council table; Mr. Al-Khalifa (Qatar) took the seat reserved for him at the side of the Council Chamber.

The President: I should like to inform the Council that I have received a letter dated 21 March 1997 from the Permanent Observer of Palestine to the United Nations, which will be issued as a document of the Security Council under the symbol S/1997/242 and reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite Dr. Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, to participate in the current meeting of the Security Council with regard to the situation in the occupied Arab territories, including Jerusalem."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to the United Nations to participate in the current debate in accordance with the rules of procedure and with previous practice in this regard.

There being on objection, it is so decided.

At the invitation of the President, Mr. Al-Kidwa (Palestine) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in response to the request contained in a letter dated 19 March 1997 from the Permanent Representative of Qatar to the United Nations addressed to the President of the Security Council, document S/1997/235. Members of the Council have before them document S/1997/241, which contains the text of a draft resolution submitted by Egypt and Qatar.

I should like to draw the attention of the members of the Council to document S/1997/233, which contains the text of a letter dated 18 March 1997 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution (S/1997/241) before it. If I hear no objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Elaraby (Egypt)(*interpretation from Arabic*): Today, for the second time in two weeks, the Security Council has convened to vote on a draft resolution calling for an end to activities begun by Israel to build a new settlement in the Jabal Abu Ghneim area to the south of East Jerusalem in particular, and for an end to Israeli settlement activities in the occupied territories in general. The issue at hand today is the destructive consequences of Israel's settlement policy, particularly in Jerusalem and the surrounding areas, for the future of peace in the Middle East.

Thus, the draft resolution before the Security Council today, prepared by all the Arab States and sponsored by Egypt and Qatar, as this month's Chairman of the Arab Group, calls on Israel to cease using settlements as an instrument for imposing a *fait accompli* that is rejected in both form and substance and that prejudges issues that were to be negotiated in the final phase. All parties were requested not to prejudice these issues in any way, and they agreed not to do so until the final status talks begin and final agreement is reached.

The message addressed to Israel through the draft resolution is that the decision to begin settlement-building activities in Jabal Abu Ghneim is an erroneous one that must be overturned because it runs counter to the norms of international law and to Israel's obligations as an occupying Power, in accordance with the Fourth Geneva Convention of 1949, as well as to relevant United Nations resolutions. The Arab Group wanted the draft resolution before the Council to be brief and merely to call on Israel immediately to cease settlement activities. The draft resolution takes up no other issue.

The Arab Group hopes that the Security Council will take the necessary measures as soon as possible because Israel's settlement policies have a grave effect on the situation in the region. Our desire now is the same one we started out with: to give all members of the Security Council the fullest opportunity, through intensive consultations held over two days, to reach a formula that would enable the Council to send a unanimous message to Israel. The Egyptian delegation would like to point out that those consultations began with some measure of hope and were conducted in good faith by all parties concerned. The Egyptian delegation was and is prepared to continue consultations towards achieving the desired positive result.

Egypt has warned, through the statements of President Mubarak and Foreign Minister Amre Moussa, of the dangerous turn taken in the Middle East peace process because of the Israeli Government's provocative policies and because that Government is contemptuous of the international community's response to its settlement activities. Those policies have raised the level of tension and violence in the region. They have fed the forces of confrontation and extremism, while weakening the forces of dialogue and moderation in support of the peace process.

We were saddened to hear the news of the regrettable terrorist attack in Israel this morning. Egypt wishes to state clearly that it condemns terrorism in all its forms. This is a categorical condemnation. At the same time, however, Israel must realize that its settlement policies, which stir up international and Arab feeling, always lead to destructive results for all the peoples of the Middle East.

The way to a durable, just and comprehensive peace in the Middle East must be based on full respect for the norms of international law and on a full commitment to agreements made so far. The only way to achieve peace in the Middle East is through Israel's respect for its commitments to relevant international conventions, to Security Council resolutions and to the bilateral agreements it has signed, particularly the Interim Agreement signed in Washington, D.C., in September 1995, prohibiting both Israel and Palestine from taking any measure in the West Bank and Gaza that might prejudge or prejudice the results of the final status negotiations. To say that the Security Council's fulfilment of its mandate and duties under the Charter would have negative repercussions for peace in the Middle East is unjustified. In fact, the opposite is true. The silence of the Security Council and its failure to take up its duties would send an erroneous message, a dangerous message likely to encourage the current Israeli Government to continue to violate international law. It would also encourage it to disdain and not respect its contractual obligations. This could abort the peace process, which is truly at a very sensitive and dangerous juncture.

Israel's situation does not set it apart from any other State wishing to respect international law. It cannot simply impose a *fait accompli* that satisfies its interests and disdains the interests of the Arab countries and the international community. Therefore, the Security Council must intervene. It must fulfil its mandate to defend international peace and security. It must clearly demand that Israel cease settlement activities in Jabal Abu Ghneim, and all other settlement activities, because they have a destructive effect on the future of peace and stability in the Middle East.

The question on everyone's mind today, which the voting will answer, is whether the Security Council will be able to play its role.

Mr. Berrocal Soto (Costa Rica) (*interpretation from Spanish*): My country wishes to reaffirm all the reasons that led Costa Rica to vote, on 7 March, in favour of the previous draft resolution on the subject of the building of settlements in the area of Har Homa/Jabal Abu Ghneim in the Arab territories occupied by Israel in East Jerusalem.

In that same spirit, we also voted in favour of General Assembly resolution 51/223 on 13 March 1997.

We are firmly convinced that this decision by the Government of Israel runs counter to international law and does serious damage to the desire for peace and faithful compliance with the Oslo agreements.

We have insistently maintained, during the entire process of the previous and the most recent informal consultations, that there must be unity in the Security Council, whether it is expressed as a resolution or as a presidential statement, in order for the message from the United Nations to reach the Middle East clearly and unequivocally.

Israel's erroneous decision is seriously jeopardizing the peace process. The spirit of Oslo is seriously threatened. Unfortunately, added to that reality are the reprehensible terrorist acts that have taken place in recent hours, responsibility for which has been publicly and formally claimed by the group Hamas.

There are dark clouds over the Promised Land and over the Holy City, which is equally sacred for Jews, Muslims and Christians.

Costa Rica once again appeals vigorously for peace. The radical positions of either side should never override the explicit will expressed by President Arafat and the martyred Israeli Prime Minister, Yitzhak Rabin, when they signed the Peace accords in Oslo. We believe that is the only route that Israel and the Palestinian National Authority should continue to follow, with the support and encouragement of the international community and the United Nations. Costa Rica will always vote in favour of peace in that effort.

The present circumstances have caused us to stop and to ponder, objectively and far-sightedly, the decisions of the Security Council in order that its support for the peace process will be truly effective and appropriately reflect the international community's desire for peace. Unfortunately, for the second time, we find ourselves lacking the necessary conditions of unity.

In this context, I have received instructions from my Government to abstain in the voting on the draft resolution before the Council.

Mr. Owada (Japan): The Government of Japan expressed its position that the recent developments in the Middle East, involving the decision by the Government of Israel on the construction of housing in the Har Homa/Jabal Abu Ghneim area of East Jerusalem, were regrettable. For this reason, it is all the more regrettable that despite the appeal of the international community, the Government of Israel has proceeded with this construction. What Japan is most concerned about is that this action could lead to the undermining of the peace process which has been so assiduously constructed over the years by the parties directly involved.

On the basis of this conviction, the Government of Japan conveyed its position on 19 March in a message from Foreign Minister Ikeda to Israeli Deputy Prime Minister and Minister for Foreign Affairs David Levy, as well as to the President of the Palestinian interim self-government, Mr. Yasser Arafat.

As a result of this grave concern, members of the Security Council, including my own country, were engaged in serious and sincere efforts with a view to arriving at a unanimous message from the Security Council to be conveyed to the Israeli Government. It is therefore a cause for great sadness that we have not succeeded in our common efforts.

Under the circumstances, Japan is going to vote in favour of the draft resolution before us, whose purpose is to call upon the Israeli Government to cease the present activity of constructing a settlement in East Jerusalem.

I wish to take this opportunity to express the deep sorrow and indignation felt by the Government and the people of Japan over the tragic event in Tel Aviv on 21 March, in which a terrorist bombing caused many casualties, among them innocent children. It is precisely this kind of activities — terrorist activities — that could put the whole peace process in jeopardy by inviting a vicious circle of violence. Japan unreservedly condemns any form of terrorism.

We must not let such violent acts derail the efforts for peace and stability. It is crucial that we try our best to avoid a further deterioration of the situation, particularly through the best efforts of the parties concerned to exercise self-restraint. Japan urges the parties concerned to work to redouble their efforts to put the negotiations back on track.

Mr. Wang Xuexian (China) (*interpretation from Chinese*): In spite of the repeated calls made by the international community that Israel stop its settlement activities in East Jerusalem, the Israeli Government still persists in carrying out its plan. We would like to express our deep concern over the development of the situation. We feel that this will certainly create obstacles for the ongoing Palestinian-Israeli talks. We are also deeply concerned over the development of the peace process.

We call again on the Israeli Government to stop immediately its settlement activities in East Jerusalem.

I would like to emphasize the principled position of the Chinese Government that the question of Jerusalem should be settled by all sides concerned through peaceful negotiations and on the basis of the relevant resolutions of the United Nations. We sincerely hope that all sides concerned will exercise caution and refrain from taking any actions that are unfavourable to the peace process in the Middle East.

We feel that under the present circumstances it is necessary that the Security Council send the Israeli Government a clear and unequivocal message calling upon it to cease immediately the settlement activities. The Chinese delegation will therefore vote in favour of the draft resolution before us.

China condemns all forms of terrorist activities. We deeply regret the bombing incident that took place in Tel Aviv today. We would like to take this opportunity to express our condolences to the families of the victims.

Mr. Richardson (United States of America): My Government has always believed that the goal of peace in the Middle East is one of vital interest to the international community. This is a view we share with most members of the international community, and I know it is deeply felt by all Member States gathered together in this Chamber. The terrorist outrage earlier today demonstrated just how real is the threat posed by the enemies of peace. Only a few hours ago, a bomb exploded in a crowded café in Tel Aviv, killing at least three people and wounding many others, including young children. As President Clinton said earlier today in Helsinki, we strongly condemn this act of terror. There is no place for terror or violence in the peace process. No circumstances can justify the resort to violence or terror against innocent civilians.

My Government welcomes the condemnation of this tragic incident issued today by Chairman Arafat. As President Clinton has also noted, there must be absolutely no doubt in the minds of the friends or enemies of peace that the Palestinian Authority is unalterably opposed to terror and unalterably committed to preventing such acts. I would also like to offer my personal condolences, and those of the American people, to the families of the Israelis killed or wounded in this deplorable crime.

During the Security Council's earlier debate on the controversy over Har Homa/Jabal Abu Ghneim, and throughout the subsequent debate in the General Assembly, we all listened to the views of Member States at length and in detail. The position of the United States should be clear to all, so I will be brief. While my Government shares the concerns expressed here and in the Assembly about the decision of the Israeli Government to begin construction at this site, we disagree on the best method of addressing this situation and moving beyond the present controversy in a way that will support the Middle East peace process. That is why the United States must vote "no" on the draft resolution before us.

Simply stated, the United States does not believe that the Security Council or the General Assembly should be in the business of inserting themselves into issues that the negotiating partners have decided will be addressed in their permanent status talks. Such interference can only harden the positions of both sides, and make their work even more difficult. In doing so, the Security Council would add to existing tensions in the region, complicate the efforts of all parties to get the negotiations back on a productive track, and distract attention from the main objective, which is making progress towards a peaceful, prosperous Middle East.

No one should interpret the opposition of my Government to this draft resolution as an expression of support for the construction now going on at Har Homa/Jabal Abu Ghneim. It is not. We have repeatedly stated our belief that construction at this site is not helpful to the peace process. As President Clinton, again, said earlier, we would have preferred that this decision had not been made. It undermines the trust and confidence so badly needed in creating the appropriate environment for successful negotiations, especially on the difficult issues involved in the permanent status talks.

As I noted during our earlier debate on this subject, the achievement of a just, lasting and comprehensive peace in the Middle East requires an honest negotiating process. The parties must take special care to avoid pre-emptive actions that can be seen to prejudge the outcome of negotiations, while working hard to nurture an atmosphere of trust and confidence that will make productive negotiations possible.

The decision on Har Homa/Jabal Abu Ghneim does just the opposite. We regret that it was taken.

But this controversy will not be resolved by interference from this Council, the General Assembly, or

any other outside party. It can only be resolved by the parties themselves. They have demonstrated time and time again in the nearly six years since the Madrid Conference, at times of high hope and optimism as well as moments of dark despair, that they can overcome the problems and differences that divide them, and move forward. They have done this by relying on their own reserves of strength and determination, and on the active support and encouragement of the international community. Today's Council action lacks this spirit of support and encouragement.

Frankly, rather than addressing this issue in a forum that is inappropriate for the real work at hand, let us concentrate instead on finding a way to support Israelis and Palestinians as they try to cope with a difficult situation and to restore the confidence, trust, hope and dialogue essential to resolving differences, reaching and implementing agreements, and forging a just and lasting peace.

The President: I shall now put to the vote the draft resolution in document S/1997/241.

A vote was taken by show of hands.

In favour:

Chile, China, Egypt, France, Guinea-Bissau, Japan, Kenya, Poland, Portugal, Republic of Korea, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland

Against:

United States of America

Abstaining:

Costa Rica

The President: The result of the voting is as follows: 13 votes in favour, one against and one abstaining. The draft resolution has not been adopted, owing to the negative vote of a permanent member of the Council.

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Ladsous (France) (*interpretation from French*): The French delegation worked with others to find a consensus solution, so that we could issue a unanimous decision on a situation which, in everyone's view, warranted a reaction by the Security Council. It was not possible to achieve that consensus, which we regret.

We consider that the Security Council ought to be able to carry out its responsibilities in respect of decisions that endanger the Middle East peace process and that have aroused the disapproval of the entire international community, including the co-sponsors of the process.

France calls upon the parties to the peace process to persist in the endeavour they have undertaken, and we urge the Israeli authorities to consider the consequences for the peace process of each of their decisions.

France solemnly reaffirms previous resolutions, some of them adopted unanimously, relating to the territories occupied by Israel since 1967, including Jerusalem. The settlements run counter to international law, including the Fourth Geneva Convention. They are also at variance with the spirit of the peace agreements and constitute a serious obstacle to the process. This is particularly true when the settlements are in the Jerusalem area and thus prejudge the final status of that city.

France is concerned at the resumption of violence. This violence has been deadly: last week in the Jordan Valley and today in Tel Aviv. The French Government has expressed its revulsion and consternation at these attacks and its sympathy with the families of the victims. France has also indicated its feelings with respect to the serious incidents at Jerusalem and at Hebron. We appeal for reason to prevail over emotion, and for avoidance of any action, any measure, any statement that could exacerbate the situation and heighten tension. The logic of peace and dialogue can prevail and should prevail.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): The Russian delegation has already had the opportunity, in the Security Council and at the meeting of the General Assembly, to express its views on the situation resulting from the decision of the Government of Israel to build a new housing complex in East Jerusalem. We condemn the fact that Israel has begun construction on such a settlement. This runs counter to both the letter and the spirit of the Middle East peace process and to the principles that were set out as its basis in Madrid.

Unfortunately, because of Israel's acts of provocation in the occupied territories, the situation continues to deteriorate and is becoming increasingly confrontational. All this, in conjunction with the most

recent outbreak of violence, has complicated the negotiation process.

As a co-sponsor of the peace process, Russia urgently calls on the Government of Israel to rescind its decision to build a new settlement in East Jerusalem. It is important also that both parties make every effort to avoid any further instances of confrontation in Palestinian-Israeli relations and to break the deadlock at which the peace process finds itself.

For that reason, the Russian delegation voted in favour of the draft resolution before us, which ought to have been adopted as an appropriate reaction to the alarming events in East Jerusalem. We were also prepared to support a similar draft presidential statement, had we managed to reach consensus on it today.

We strongly condemn the terrorist acts that occurred today in Tel Aviv. These criminal acts cannot be in any way warranted, and we express our deepest sympathy to the families of those who were wounded or killed.

Mr. Monteiro (Portugal): Portugal voted in favour of the draft resolution submitted by Egypt and Qatar.

I do not need to elaborate on the Portuguese position on the decision of the Government of Israel to build a new settlement in the Jabal Abu Ghneim/Har Homa area of East Jerusalem. My country co-sponsored the draft resolution considered by the Security Council at its 3747th meeting and the resolution adopted by the General Assembly.

We consider the Israeli decision to be illegal under international law and a violation of the agreements reached so far by the interested parties. Its overall effect on the peace process is harmful.

We had hoped that this time the Council would have been able to agree on a formula that would permit it to assume its responsibilities and firmly to express its support for the Middle East peace process. Unfortunately, we have not been able to reach this stage, despite the efforts of many delegations to achieve a consensus on this subject.

We condemn and regret the bombing attack that took place today in Israel. Targeting innocent people is not the right way to apply pressure or to solve disputes. The current lack of confidence in the Middle East peace process is being utilized by those who want to jeopardize the achievements reached to date by the interested parties.

We urge Israel to reconsider and stop all actions that create mistrust among the Palestinian and Arab peoples and thereby risk alienating them from the negotiations.

On the other hand, we exhort the Palestinian people and their leaders to continue to show restraint and not to resort to violence. Violence serves only the interests of the enemies of peace.

All parties concerned must realize that, ultimately, there is no alternative to the peace process. Each party must live up to its commitments. Each one is liable for its actions.

Mr. Lidén (Sweden): In our statement to the Security Council on 5 March, Sweden expressed deep concern about Israeli Government decisions and plans for settlements on occupied territory. The most recent decision concerns Jabal Abu Ghneim/Har Homa, located on the occupied West Bank in the Jerusalem area.

We worked hard to see our concern — which I believe to be the concern of all of us — expressed in a Security Council resolution supported by all. Regrettably, the Council failed to agree.

Over the past few days, Sweden has been actively engaged in trying to reach agreement on a presidential statement. Again, I cannot but strongly regret that no agreement was achieved in the Council. Only when the Security Council agrees to speak with one voice can it send a clear message and make its influence felt and understood by the parties directly involved.

Sweden voted in favour of the draft resolution before us. We fully support its contents.

The Foreign Minister of Sweden, Mrs. Lena Hjelm-Wallén, deplored in a statement on 19 March that construction had commenced on the Jabal Abu Ghneim hill. She called upon the Israeli Government to abandon its settlement policy.

This morning, the Foreign Minister strongly condemned the terrorist attack in central Tel Aviv. She urged restraint in order to prevent an escalation of the violence.

In conclusion, I will repeat the words of my Foreign Minister: the only way forward is to return to the peace process.

The President: We have now come to the end of the voting procedure.

The Permanent Observer of Palestine to the United Nations has asked to speak, and I now call on him.

Mr. Al-Kidwa (Palestine) (*interpretation from Arabic*): I should like to convey my gratitude and appreciation to all the members of the Council who supported the draft resolution contained in document S/1997/241, which was submitted by Egypt and Qatar on behalf of the States members of the League of Arab States. We are fully aware that this support was not easy.

Today, the United States of America exercised its veto power for the second time in less than two weeks and for the third time in less than two years, and with regard to the same issue: the situation in the occupied Palestinian territories, and in particular in occupied East Jerusalem. Consequently, the Security Council has, for the second time, failed to carry out its responsibilities and duties for the maintenance of international peace and security, in accordance with the Charter of the United Nations.

This comes at a time when Israel, the occupying Power, is continuing to violate international law and relevant Security Council resolutions and is persisting, at the end of the twentieth century, in the continuation of its settlement system, which combines classic colonialism and horrid apartheid-like arrangements. It persists in its unrelenting pursuit of changing the legal and demographic status of Jerusalem, ignoring the natural and historical rights of the Palestinian people there and scorning the feelings and interests of Arabs, Muslims and Christians the world over. This is also taking place at a time when Israel is violating the agreements reached with the Palestinian side within the framework of the Middle East peace process and is undermining the very foundation of this process, posing a serious threat to its accomplishments thus far and its potential to continue and succeed.

It is extremely regrettable that this veto has been cast today in the aftermath of Israel's actual commencement, on 18 March 1997, of the building of the new settlement in Jabal Abu Ghneim, to the south of occupied East Jerusalem; and in the aftermath of General Assembly resolution 51/223, which reflected a decisive and near-unanimous position of the members of the international community; and in the aftermath of the escalating tension in the region and the increasing sense of outrage and anger among the Palestinian and Arab sides as a result of Israel's conduct and policies, as well as the statements made by Israeli officials.

It is difficult to accept that this veto has been cast to protect the peace process. It is also difficult to accept that the bilateral negotiations are the only solution, at a time when one of the two parties is imposing new facts on the ground — an action that is the exact opposite and antithesis of negotiation. The bitter reality is that this veto has been cast to shield Israel from the will of the international community and to exempt Israel from the provisions of international law and of the Charter of the United Nations. Using the veto as a matter of "principle", regardless of the text of the draft resolution submitted, seems to elevate to an official position the suspension of the functions and powers of the Security Council with regard to Israel and the situation in the Middle East. We believe that this seriously violates the provisions of the Charter and is definitely not in the interests of the Security Council and its credibility, or in the interests of the peace process and its continuity.

The existence of bilateral agreements between the parties on the nature of the interim stage, as well as the postponement of negotiations on important second-stage issues, do not, and should not, negate the provisions of international law or those of Security Council resolutions. It is the duty of the international community to reject any attempt to exploit the peace process to neutralize the law and leave the Palestinian side subject to the occupier and the existing imbalance of power on the ground. International legitimacy is our only weapon, apart from our faith in God, the will of our people and our confidence and trust in our brothers and friends. We will resist any attempt to set international legitimacy aside, and we affirm that any such attempt is illegal, illegitimate and even immoral, and will not succeed.

We believe that the members of the Security Council must try to solve this serious problem, which has been highlighted today, in accordance with the provisions of the Charter and on the basis of respect for the Charter. For our part, we will remain persistent with regard to the necessity for the Security Council to exercise its responsibilities. We hope that it will do so, because we will not vanish; indeed, we will return to the Council in the future, whenever the situation so requires. At the same time, we will resort to other United Nations bodies, particularly the General Assembly, as — we must not forget — it was the General Assembly that partitioned Palestine, and it will bear special responsibility for it, within the framework of the permanent responsibility of

the United Nations with regard to the question of Palestine, until the issue has been resolved in all its aspects.

I should like to say a final word to the Israeli Government, our assumed partner in the peace process: do not misunderstand what has happened today, as you may have done in the past. The 13 votes cast for the second time have great importance and deep significance. They reflect the honest position of the Council. In addition, the international position has been expressed, and it will also be expressed in the General Assembly in a democratic and decisive manner.

The Palestinian and Arab position will not yield. Despite everything, we are still committed to the peace process, to the agreements reached and to the need to work for their implementation. At the same time, however, we are more determined to protect our historic and legal rights, particularly in Holy Jerusalem/Al-Quds al-Sharif — the first of the two *kiblahs* and third holy sanctuary — and on every inch of our land, in accordance with the historical reconciliation between the two sides. If you are committed to this reconciliation, so are we.

In a further development, another bombing took place this morning in Tel Aviv. Our policy in this regard is crystal clear: we reject and condemn such acts, and we believe that they do harm to the interests of our people and to the peace process as a whole. At the same time, we do not believe that the occurrence of such acts can be isolated from the tense circumstances and grave situation that have been created by the policies and actions of the Government of Israel. In particular, we point to the grave consequences of the statements made by some Israeli officials, which were full of fabrications and irresponsible positions.

The President: The representative of Israel has asked to speak, and I now call on him.

Mr. Peleg (Israel): On the day on which three Israeli women were murdered by Palestinian terrorists, and many more, including children and babies, were wounded, 13 members of the Security Council have raised their hands in support of a one-sided draft resolution which singles out Israel. We would like to thank the delegations that did not support the draft resolution. Today's debate, and the debates that preceded it in the Security Council and the General Assembly, hark back to the dark days before the Madrid Peace Conference, when the Arab countries were engaged in political warfare against my country and, time and again, would attempt to misuse the Security Council. Furthermore, the convening of the Security Council, the General Assembly and other international forums in which, time and again, Israel was lambasted, unfortunately contributed to an atmosphere which was further interpreted by terrorist organizations as conducive to operations against Israel.

In recent weeks, the Palestinians have been engaged in a concerted effort to bring international pressure to bear against Israel and to avoid addressing the outstanding issues through a mechanism established as part of the current peace process. However, the Palestinian attempts to politicize these issues and to generate international pressure can only damage the trust between the parties, be counterproductive and raise doubts over Palestinian readiness to negotiate in good faith. It is not as if the Palestinians have not committed any violations of our agreements. Whenever such violations have occurred, however, Israel has raised the issue directly with the Palestinians.

Israel undertook to implement the first phase of the further redeployment process, to release all female Palestinian prisoners and to reopen negotiations on a range of issues, including safe passage, the airport and the Gaza port. In all these respects Israel has complied with its commitments. The Palestinians undertook to complete the process of revising the Palestinian charter, to fight terrorism, to prevent violence and to conduct Palestinian Council activities in areas of Palestinian jurisdiction — and not in Jerusalem. The Palestinian side has failed to demonstrate its intention or will to comply with every one of its commitments. To the contrary, the Palestinians have chosen to generate political pressure within and outside the region and to avoid the direct bilateral talks that are the very basis of the Israeli-Palestinian negotiations, and the only hope for progress.

The Interim Agreement obliges the Palestinians to act against all expressions of violence and terror. This obligation was restated and strengthened in the Note for the Record attached to the Hebron Protocol of 17 January 1997, by which the Palestinians undertook both to combat terrorist organizations and infrastructure and to apprehend, prosecute and punish terrorists. Notwithstanding these clear obligations, recent months have seen a marked decline in the extent of Palestinian activity directed against terrorists. Not only has the Palestinian Council ceased to arrest individuals suspected of terrorist activity and ceased to take measures against the terrorist infrastructure, but it has continued to release members of terrorist groups, many of whom have been

actively involved in the organization and perpetration of acts of terror.

Today, at 1.30 p.m. Israel time, at a café in the heart of Tel Aviv, a suicide bomber detonated a charge he was carrying, killing himself and the people in the immediate vicinity. Three women are dead as a result of this attack, in which more than 40 others, including children, were wounded. The terrorist organization Hamas has claimed responsibility for the attack.

A few days ago, Israeli security services warned of imminent terrorist attacks, saying that the release by the Palestinian Authority of several Hamas terrorists, including murderers involved in attacks on Israelis, together with various and sundry statements made by Palestinian exponents, were being interpreted by terrorist organizations as giving a green light for terrorist attacks on Israel. Palestinian officials made no effort to counter this interpretation. The Palestinian leadership therefore bears the overriding responsibility for today's tragedy.

One of the Hamas terrorists released recently by the Palestinian Authority is Ibrahim Makdama, the chief of the Hamas organization's secret military wing. Today Makdama addressed a mass rally in Khan Yunis. Let me quote some excerpts from his speech:

> "Jerusalem will not be liberated through negotiations, demonstrations or rallies, but rather through continuous jihad. We will continue on the path of jihad. We should not have mercy on our enemies. Our people have an obligation to chase them, whether they live in Tel Aviv or in Latin America. We will make Netanyahu curse the day he was born and hope that Jerusalem will be swallowed by the sea."

This was said by a terrorist, a Hamas terrorist who was released only a few days ago by the Palestinian Authority.

Furthermore, the Interim Agreement contains a specific provision which not only requires the Palestinian leadership to abstain from violence and hostile propaganda, but also obliges it to take legal measures to prevent any incitement from taking place under its jurisdiction. Nonetheless, the Palestinian leadership frequently calls for jihad against Israel and praises prominent terrorists, such as Yihye Ayash, the engineer. The Palestinian leadership recently threatened that if Palestinian demands are not met, this

> "will bring the region and its people back to violent confrontation and disasters, an outcome that will be the sole responsibility of the Government of Israel."

The peace process is based on the resolution of differences by peaceful means and the renunciation of violence. Veiled threats of violence such as these undermine the foundations of the dialogue between the two sides. Moreover, as the September riots tragically demonstrated, the language of incitement rarely remains in the realm of words alone.

The negotiations on the permanent status are scheduled to resume this month. Israel has made all the necessary preparations for the resumption of these talks. These negotiations will be difficult and arduous, with all of the ups and downs associated with negotiations. We hope that the Palestinians will not rush to the United Nations if obstacles should arise. Instead, they should work directly with us to overcome these obstacles, making use of the nine joint committees that were established just for this purpose.

I hope that the members of the Council will ask themselves whether, instead of engaging in a senseless debate initiated by the Arabs in a blatant misuse of the Security Council, they should direct their efforts to condemning incitement and calls to holy war; and whether they should call on the Palestinians to return to the negotiating table, not to regard the United Nations as a substitute for direct talks and to fight terrorism unequivocally.

Mr. Elaraby (Egypt): I cannot accept a statement made in the Security Council that says that bringing to the Council a matter relating to the maintenance of international peace and security in the Middle East — at any time — would be a blatant misuse of the Security Council.

We 15 members, regardless of how we voted today, are acting on behalf of the membership of the United Nations. We are members of the Security Council — whether we are permanent members or non-permanent members, whether we were elected or were accepted in 1945 as permanent members.

The Council is vested with the primary responsibility for the maintenance of international peace and security. The Council is entitled to look at any issue relating to peace and security anywhere in the world. The Middle East is not an exception.

The President: There are no further speakers.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 7.30 p.m.